

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. EDCV 22-614-JAK (KS)

Date: June 21, 2022

Title Joseph Ramirez v. Patrick Covello

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Gay Roberson
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Petitioner: n/a

Attorneys Present for Respondent: n/a

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL

On April 7, 2022, Petitioner, a California state prisoner proceeding *pro se*, filed a Petition for Writ of Habeas Corpus by a Person in State Custody (the “Petition”) pursuant to 28 U.S.C. § 2254. (Dkt. No. 1.) Petitioner concurrently requested a stay of the action so he could finish exhausting his claims in the state courts (Dkt. No. 2), which the Court granted on May 2, 2022 (Dkt. No. 5.) As a condition for maintaining the stay and abeyance, the Court ordered Petitioner to file a status report by June 1, 2022 advising the Court that he has filed a state habeas petition and of its current status. (*Id.* at 7.) Petitioner must then file a status report with the Court every 60 days thereafter until the resolution of his state court habeas action, at which time Petitioner will have 30 days to inform the Court of the state court’s decision. (*Id.*) The Court expressly warned Petitioner “**that the failure to comply with these instructions fully and diligently may result in the Court ordering the stay to be vacated *nunc pro tunc* and the action dismissed for failure to prosecute and comply with court orders.**” (*Id.*, emphasis in original.)

Approximately three weeks have now passed since Petitioner’s June 1, 2022 deadline for filing his first status report, and Petitioner has neither filed a status report nor otherwise communicated with the Court about his case. Furthermore, a review of Petitioner’s publicly-available state court records does not reveal any pending habeas petition for Petitioner having been filed in the California Supreme Court, which is the only relevant court to the exhaustion of Petitioner’s state claims.

Accordingly, Petitioner is **ORDERED TO SHOW CAUSE** no later than July 12, 2022, why this case should not be dismissed for his failure to prosecute and comply with the Court’s prior Order.

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To discharge this Order and proceed with this action, Petitioner must file one of the following **on or before July 12, 2022**:

- (1) a status report describing the current state of the relevant proceedings in state court; or
- (2) a request for an extension of time that establishes good cause supported by competent evidence for Petitioner's failure to file his state habeas petition and a status report on or before June 1, 2022.

Alternatively, if Petitioner no longer wishes to proceed with this case, he may file a signed document entitled "Notice of Dismissal" in which he requests the voluntary dismissal of this action without prejudice.

Petitioner is expressly cautioned that his failure to timely respond to this order may result in the Court vacating the stay *nunc pro tunc* and recommending dismissal of the action based on Local Rule 41-1 and Rule 41 of the Federal Rules of Civil Procedure.

Initials of Preparer

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